

House Amendment 1006

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION IV
1 5 Sec. _____. NEW SECTION. 68B.40 ANTIHARASSMENT AND
1 6 ANTIBULLYING RULES == IMMUNITY.
1 7 1. DEFINITIONS. For purposes of this section,
1 8 unless the context otherwise requires:
1 9 a. "Harassment" and "bullying" shall be construed
1 10 to mean the same and mean any conduct toward a public
1 11 official or candidate for public office which is based
1 12 on any actual or perceived trait or characteristic of
1 13 the public official or candidate for public office and
1 14 which creates an objectively hostile environment that
1 15 meets one or more of the following conditions:
1 16 (1) Places the public official or candidate for
1 17 public office in reasonable fear of harm to the
1 18 official's or candidate's person or property.
1 19 (2) Has a substantially detrimental effect on the
1 20 official's or candidate's physical or mental health.
1 21 (3) Has the effect of substantially interfering
1 22 with an official's or candidate's public service or
1 23 campaign performance.
1 24 (4) Has the effect of substantially interfering
1 25 with the official's or candidate's ability to
1 26 participate in or benefit from the services,
1 27 activities, or privileges provided by the local
1 28 community or state.
1 29 b. "Trait or characteristic of the public official
1 30 or candidate for public office" includes but is not
1 31 limited to age, color, creed, national origin, race,
1 32 religion, marital status, sex, sexual orientation,
1 33 gender identity, physical attributes, physical or
1 34 mental ability or disability, ancestry, political
1 35 party preference, socioeconomic status, or familial
1 36 status.
1 37 2. RULES. On or before September 1, 2007, the
1 38 Iowa ethics and campaign disclosure board shall adopt
1 39 rules declaring harassment and bullying in the public
1 40 arena, regardless of its location, in a manner
1 41 consistent with this section, as against state policy
1 42 pursuant to this section and against the board's
1 43 administrative rules. The board shall make a copy of
1 44 the rules available to all public officials,
1 45 candidates for public office, campaign committees,
1 46 political committees, and volunteers, and shall take
1 47 all appropriate steps to bring the state policy
1 48 against harassment and bullying and the
1 49 responsibilities set forth in the rules to the
1 50 attention of all Iowans. The rules shall, at a
2 1 minimum, include all of the following components:
2 2 a. A statement declaring harassment and bullying
2 3 to be against state policy and the board's
2 4 administrative rules. The rules shall include but not
2 5 be limited to the following components:
2 6 (1) Public officials, candidates for public
2 7 office, campaign committees, political committees, and
2 8 volunteers shall not engage in harassing and bullying
2 9 behavior.
2 10 (2) Public officials, candidates for public
2 11 office, campaign committees, political committees, and
2 12 volunteers shall not engage in reprisal, retaliation,
2 13 or false accusation against a victim, witness, or an
2 14 individual who has reliable information about such an
2 15 act of harassment or bullying.
2 16 b. A definition of harassment and bullying that is
2 17 no less inclusive than the definition set forth in
2 18 this section.
2 19 c. A description of the type of behavior expected
2 20 from public officials, candidates for public office,
2 21 campaign committees, political committees, and
2 22 volunteers relative to prevention measures, reporting,
2 23 and investigation of harassment or bullying.
2 24 d. The consequences and appropriate remedial

2 25 action for a person who violates the antiharassment
2 26 and antibullying administrative rules.

2 27 e. A procedure for reporting an act of harassment
2 28 or bullying, including the identification by job title
2 29 of the state official responsible for ensuring that
2 30 the rules are implemented, and the identification of
2 31 the person or persons responsible for receiving
2 32 reports of harassment or bullying.

2 33 f. A procedure for the prompt investigation of
2 34 complaints, identifying the ethics and campaign
2 35 disclosure board as the state agency responsible for
2 36 conducting the investigation, including a statement
2 37 that investigators will consider the totality of
2 38 circumstances presented in determining whether conduct
2 39 objectively constitutes harassment or bullying under
2 40 this section.

2 41 g. A statement of the manner in which the rules
2 42 will be publicized.

2 43 3. PROGRAMS ENCOURAGED. Public officials,
2 44 candidates for public office, campaign committees, and
2 45 political committees are encouraged to establish
2 46 programs designed to eliminate harassment and bullying
2 47 in the public arena. To the extent that funds are
2 48 available for these purposes, statewide political
2 49 committees shall do the following:

2 50 a. Provide training on harassment and bullying
3 1 policies to public officials, candidates for public
3 2 office, campaign committees, political committees, and
3 3 volunteers who have significant contact with Iowa
3 4 residents.

3 5 b. Develop a process to provide public officials,
3 6 candidates for public office, campaign committees,
3 7 political committees, and volunteers with the skills
3 8 and knowledge to help reduce incidents of harassment
3 9 and bullying.

3 10 4. IMMUNITY. An Iowa resident who promptly,
3 11 reasonably, and in good faith reports an incident of
3 12 harassment or bullying, in compliance with the
3 13 procedures in the rules adopted pursuant to this
3 14 section, to the ethics and campaign disclosure board,
3 15 shall be immune from civil or criminal liability
3 16 relating to such report and to participation in any
3 17 administrative or judicial proceeding resulting from
3 18 or relating to such report.

3 19 5. COLLECTION REQUIREMENT. The ethics and
3 20 campaign disclosure board shall develop and maintain a
3 21 system to collect harassment and bullying incidence
3 22 data.

3 23 6. INTEGRATION OF POLICY AND REPORTING. The
3 24 ethics and campaign disclosure board and the office of
3 25 secretary of state shall integrate the antiharassment
3 26 and antibullying rules adopted by the board into the
3 27 official registration documents for public officials,
3 28 candidates for public office, campaign committees, and
3 29 political committees and shall report data collected
3 30 under subsection 5, as specified by the board, to the
3 31 general public.

3 32 7. EXISTING REMEDIES NOT AFFECTED. This section
3 33 shall not be construed to preclude a victim from
3 34 seeking administrative or legal remedies under any
3 35 applicable provision of law.

3 36 8. PENALTY. The board shall issue an order
3 37 requiring a person who violates the provisions of this
3 38 section to pay a civil penalty of not more than two
3 39 thousand dollars for each violation of this section.

3 40 9. FUND. An antiharassment and antibullying fund
3 41 is created within the office of the treasurer of state
3 42 to be administered by the board. Moneys collected by
3 43 the board pursuant to this section shall be deposited
3 44 in the fund and shall be used by the board to
3 45 implement a proactive and pervasive process of
3 46 character development and to state political
3 47 committees to provide professional development for
3 48 public officials, candidates for public office,
3 49 campaign committees, political committees, and
3 50 volunteers.>

4 1 #2. Page 1, line 18, by inserting after the word
4 2 <behavior.> the following: <The general assembly also
4 3 finds that in order to create a safe and civil
4 4 environment for Iowa youth, it is the responsibility
4 5 of public officeholders, candidates for public office,

4 6 political committees, and volunteers in Iowa to model
4 7 the dignity and respect that is legally required of
4 8 Iowa school age youth. Therefore, it is also the
4 9 policy of this state that public officeholders,
4 10 candidates for public office, political committees,
4 11 and volunteers shall not engage in harassing or
4 12 bullying behavior in accordance with section 68B.40.>
4 13 #3. Title page, line 2, by inserting after the
4 14 word <policies> the following: <and rules>.
4 15
4 16
4 17 _____
4 17 RAECKER of Polk
4 18 HF 149.201 82
4 19 kh/es/6184